



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 22, 2010

Ms. Holly C. Lytle  
Assistant County Attorney  
El Paso County  
500 East San Antonio, Room 503  
El Paso, Texas 79901

OR2010-14407

Dear Ms. Lytle:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 394277.

The El Paso County Sheriff's Office (the "sheriff") received a request for the mug shot, name, and charges pertaining to every individual arrested during a specified time period. You indicate the sheriff will release the requested names and charges.<sup>1</sup> You claim portions of the submitted information are excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.<sup>2</sup>

Initially, we address your claim compliance with the request "would impose an extremely unreasonable burden" upon the sheriff. We note the requestor seeks the mug shot, name, and charges pertaining to every individual arrested during a specified time period and indicates he will be making the same type of request in the future. Although a governmental body is

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<sup>1</sup>We note that the sheriff received clarification regarding this request. *See* Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information).

<sup>2</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

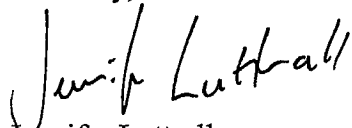
not required to comply with a standing request to supply information on a periodic basis as such information is prepared in the future, this request seeks documents the sheriff maintained on the date it received the request. *See* Attorney General Opinion JM-48 at 2 (1983); *see also* Open Records Decision Nos. 476 at 1 (1987), 465 at 1 (1987). You argue that in order to comply with the request, the sheriff would be administratively burdened. We note a governmental body may not decline to comply with the requirements of the Act on the ground of administrative inconvenience. *See Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 687 (Tex. 1976); *see also* Open Records Decision No. 497 at 4 (1988) (fact that submitting copies for review may be burdensome does not relieve governmental body of its responsibility to do so). Thus, the sheriff must release the requested information unless it falls within the scope of an exception to disclosure.

Next, we note the requestor excludes from his request "records that are part of an ongoing investigation or prosecution." Thus, information pertaining to ongoing investigations or prosecutions is not responsive to the present request for information. You assert that, because of the recent nature of the arrests, the entirety of the submitted information pertains to open and pending criminal investigations and prosecutions. Accordingly, we conclude the submitted information is not responsive to the present request for information. The sheriff need not release non-responsive information in response to this request, and this ruling will not address that information. As we are able to make this determination, we need not address your argument against disclosure.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jennifer Luttrall  
Assistant Attorney General  
Open Records Division

JL/dls

Ref: ID# 394277

Enc. Submitted documents

c: Requestor  
(w/o enclosures)